

MS 2993 A Yveka Don Little Chief Little Ditisburg Little Ditisburg Little Ditisburg Little Ditisburg Fr.

1249552 (57/5240)



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178931 REDEMPTION: DEED

- THIS INDENTURE, Made this 30th day	ki. 20ptambaz : 1969 between C
Shoshene Count	y, State of Idaho, herein called the decounty, by
Victoria Polla () County	Treasurer and ex-Officio Car Collector thereo/
and Pine Creek Lead & Zing Cov	
of Wallace, Idaho, County of Shosho	se State of Idaho herein
called the "redemptioner," WITNESSETH:	
In consideration of the sum of	
Eight hundred eighty-esix and 54/100-	DOLLARS (\$ 886 EL)
lawful money of the United States, by the redemptioner	paid, the county acknowledges receipt in full on
account of taxes for the years 195419561957	
heretofore levied and accrued upon the property hereinafte	r described, as more particularly allown on the
attached "Schedule A," and does hereby quitclaim and recor	vey to the redemptionerthe in heirs
executors, administrators, successors, and assigns, all right, and by virtue of any tax deed, tax sale, or delinquency enti-	y on account of delinquent taxes for any of the
years listed as redeemed in said Schedule A, in and to the	60
appurtmances, in Shoshone County, State o	
Cougar, Cougar Fr., Dawn #2, Pro	
Little Pittsburgh Fr., Little Chief.	Lodes
<u> </u>	
4	MS 0442°
\$ 5¢	
IN WITNESS WHEREOF, The undersigned, the duly	authorized County (beasurer and ex-Officio Tax
Collector of said County, on its behalf, has hereunto set.	her hand and affixed the seal of
her office, at Wallaca, Idaho in said	
	ounty Treasure and exofficio Tel Collection for
	MANNE Course, sigle of Tagin
Section of the sectio	

178931

ν	axed (or 1947		Value of	
	Penalty 2%	<u> </u>		
	Interest from January 5, 1948, at 8% per annu			
N				
T	artes for 1948			
	Penalty 2%.			
	Interest from January 8, 1949, at 8% per annu			
			7 Vine 2	
	axes for 1949			44.12
	Penalty 2%			
	Inferest from January 2, 1950, at 8% per annu.	m		
			A STATE OF THE	
	1000		7.3.19	
The state of the s	axes for 1950 Penalty 2%			
				TO STATE
	Interest from January 1, 1951, at 8% per annu	m	200 - 100 -	
# 6395_т			102 16	
#0395T	axes for 1944. 1954.		192.16 -3:84	
			196.00	
	Interest from January 7, 1952, at 8% per annu-	m	13.02	
				∴269₹02 🗘 🐧
11.0000	2004			
# DD5UT	axes for 1988. 1956		277.66	
	resulty 270		_283 ; 22	
	Interest from January 5, 1987, at 8% per annu	m	61.09	
	•	•		314.31
	•			
- # 7082T	nxes for 1958. 1957		_235.53 4.71	
	renatty 276	3	240.24	
	Interest from January 4, 1958, at 8% per annu	m	32.97	
•				273.21
c	OSTS:			
4. [7]		8.	1.00	

				3.00
				1.00
		\mathcal{N}_{i}		APPENDED TO THE PROPERTY OF THE PARTY OF THE
y v	TOTAL PAID ON REDEMPTION		7	(887.5I) ·
ightige to	-	7 \ A	127	
	;	LULLON	a her	C
		Gounty Treasure	n and ex-Officio	Tax Collector for. 1, State of Idaho.
			og-kezCount	, ogas oj 10ano.
	• • •			
	State of kinho			
	County of Shorhone			
	This instrument was	recorded at	he request of	
	Victoria Peila	3:	30 P.M.	
	on Oct. 1, 1959			
	VA.	I B. V. O RIPEROVY. C		

Setum to Victoria Pella
Treasurers Office
Wallace, Ddance

DEED TO MINING CLAIMS

THIS INDENTURE, Made this 4th day of March, A. D. 1940, between JULIUS E. STOCK.
MAN and KAROLINA STOCKMAN, his wife, of the County of Blue Earth and State of Minnesota parties of the first part, and PINE CREEK LEAD-ZINC MINING COMPANY, a corporation organized under the laws of the State of Idaho, party of the second part; WITNESSETH:

That the said parties of the first part for and in consideration of the sum of That the said parties of the first part for and in consideration of the sum of TEN no/100 DOLLARS, to them in hand paid by the said party of the second part, due receipt whereof is hereby acknowledged, have GRANTED, BARGAINED, SOLD, REMISED, RELEASED and FOREVER QUITCLAIMED, and by these presents do GRANT, SELL, REMISE, RELEASE and FOREVER QUITCLAIM unto the said party of the second part, and to its successors and assigns, all of the rights, title and interest of the parties of the first part, of, in and to those certain lode mining claims and millsites, situate, lying and being on Denver Creek, in the Yreka Mining District, in County of Shoshone and State of Idaho, known as and called

"COUGAR"; "COUGAR PRACTION"; "PROTECTION"; "JENNIE E."; "ETHEL"; "WOLFTONE"; "RENO": "LITTLE BASIN"; "ROCKY POINT" BAG "HAN O'WAR";

together with all the dips, spurs and angles, and also the metals, ores, gold and silver bearing quarts, rocks and earth therein, and all the rights, privileges and franchises thereto appendant, appurtenant and incident, or usually therewith had and enjoyed; and also, all and singular the tenements, hereditaments and appurtenances thereto, the issues and profits thereof; and, also, all the estate, rights, title, interest, property, possession, claim and demand whatsoever, as well in law asin equity, of the said parties of the first part in or to said premises and every part and parcel thereof, with appurtenances; TO HAVE AND TO HOLD ALL AND SINGULAR the said premises, together with the appurt

enances and privileges thereto incident, unto the said party of the second part, its successors and assigns, FOREVER.

IN WITNESS WHEREOP The said parties of the first part have hereunto set their

hands and seals the day and year first above written.

(U S I R Stamps \$10.50 Affixed and Cancelled)

Julius E. Stockman (SEAL)

Karolina Stockman (SEAL)

Signed, Sealed and Delivered in Presence of:

F A Buscher C Borgmeier

STATE OF MINNESOTA

COUNTY OF BLUE EARTH

On this 4th day of March A. D. 1940, before me, a Notary Public within and for said County of Blue Earth and State of Minnesota, personally appeared JULIUS E. STOCKMAN and KAROLINA STOCKMAN, his wife, to me known to be the persons described in and who executed the foregoing instrument and acknowledged that they executed the same as their own free act and deed.

(Notarial Seal)

F A Buscher Notary Public, Blue Earth County, Minn. My Commission expires Aug. 1, 1942.

RECORDED at the request of James A. Wayne Nov. 27, 1944 at 11:20 o'clock A. K

ANNA K. BATTICK, COUNTY RECORDER

Je Deputy

INSTRUMENT NUMBER 127555 DEED OF COUNTY PROPERTY

249552

COUNTY OF GLOSHONE SES

JAN 18 1 41 PM 974

OLERA DISTRICT COUNT DEPOS

Piatt Hull HULL, HULL & WHEELFR Attorneys at Law P.O. Box 709 Wallace, Idaho 83873 Phone: 752-1154

IN THE DISTRICT COURT OF THE FIRST JUDICIAL DISTRICT OF THE STATE OF IDAHO, IN AND FOR THE COUNTY OF SHOSHONE

ERLA SMITH, a/k/a MRS. RALPH D. SMITH,)
MRS. R. D. SMITH, MASCOT SILVER-LEAD)
MINES, INC.,

Plaintiffs,

vs.

LEONARD W. SMITH, a/k/a L. W. SMITH, L. WILBUR SMITH; WILLIAM A. GAITHER, and FRANK GAITHER, a/k/a FRANCIS GAITHER; AMY LOUISE SMITH, a/k/a AMY 8. GAITHER, Deceased; SILVER HORIZON MINING COMPANY; W. W. HART; GEORGE A. SMITH, a/k/a G. A. SMITH, Deceased; A. E. CARLSON; WILLIAM WALLACE HART, Deceased, GRACE M. HALL,) a/k/a GRACE M. HABSON; GRACE HALL; ELSIE HALL; BLSIE HALL WILSON; W. A. BEACH, individually, and as trustee for GEORGE WIEDENMANN; HELENA 8. WIEDENMANN; E. L. HAWES; SARELLA M. HAWES; W. C. H. GORDON; C. J. HOLMAN; G. A. DAHL; ED BORNEMAN; GEORGE GUTH; JOE LANG; C. H. NERBOVIG; J. T. SCHLESSELMAN, and the above named beneficiaries individually; GERTRUDE A.) BEACH; JOE LAND; ELWIN L. HAWES; J. E.) STOCKMAN; JULIUS E. STOCKMAN; KAROLINA) STOCKMAN; JOSEPH A. LANG; AUGUST W.) GRABOW; FLORIA GRABOW; THOMAS MCMULLAN;) ONNALBE M. HAWES: DELPHINE C. STOCKMAN,) D. C. STOCKMAN; MARY L. STOCKMAN;

FREIDA C. GRABOW; D. 'ID N. LING;

CLAUDE E. NUGENT; DUNHAM BELL; INAR

NORGAARD; JENNIE E. SMITH; A/k/a

JENNIE H. SMITH; Deceased; the known

and unknown heirs, devisees and

) husbands and wives styled as JOHN DOR) No. 15354

) JUDGMENT AGAINST AMY
) SMITH GAITHER, WILLIAM
) A. GAITHER, FRANK
) GAITHER, JENNIB E.
) SMITH, AND OTHER
) NON-APPEARING DEFENDANTS

and JANE DOE respectively, of the above named individuals; and to all known and unknown owners and claimants asserting any claim to the real property designated as PARCEL 1, PARCEL 2 and PARCEL 3, all situated in Shoshone County, Idaho, and set forth in detail in this caption immediately following the names of the Cross-Defendants,

Defendants,

LEONARD W. SMITH,

Cross-Plaintiff,

VB.

ALL OF THE ABOVE NAMED DEFENDANTS;
and BRLA SMITH, a/k/a MRS. RALPH D.
SMITH, MRS. R. D. SMITH, MASCOT SILVER)
LEAD MINES, INC., JUDITH MCCAPLEY,
PATRICK H. McCAULEY; KENNETH SMITH;
and ROBERT SMITH,

Counter-Defendants,)
Cross-Defendants,)
Third Party)
Defendants.

PARCEL 1: An undivided one-half (1/2) Interest in the following: The West 4) feet, 3 1/2 inches of Lot 11 and all of) Lot 12, Block 2, SINCLAIRS ADDITION to) the CITY OF KELLOGG, Shoshone County,) State of Idaho, according to the official and recorded plat thereof;

PARCEL 2: The South 35 feet of that triangular piece of ground lying Westerly and across Fifth Street from Block 36 of Kellogg Townsite in the Village of Kellogg, Shoshone County, State of Idaho, according to the official plat of said Townsite on file) and of record in the office of the County Recorder of said County at Wallace, Idaho, said piece or parcel of) ground being more particularly described as follows: All of Lot 24 of) said triangular piece of ground, and) the South 10 feet of Lot 23 of said) triangular piece of ground. Beginning) at the 8.E. corner of said Lot 24, which said Lot 24 is bounded on the South by Portland Street and on the East by Fifth Street, thence North in a line parallel with Fifth Street for a distance of 35 feet, thence Westerly to County Road; thence on line parallel with County Road to Portland Street; thence on line parallel to Portland Street to place of beginning;

PARCEL 3: The following described patented lode mining claims situate in the Yreka Mining District, Shoshone County, State of Idaho: Cougar, Instrument No. 40959; Cougar Praction, Instrument No. 41124; Protection, Instrument No. 40958; Don No. 2, Instrument No. 11086; Mining Survey No.) 2993A; and Little Pittsburg Millsite and the following described unpatented lode mining claims situate in the Yreka) Mining District, Shoshone County, State) of Idaho; Jennie E., Instrument No. 40954; Reno, Instrument No. 41128; Rocky Point, Instrument No. 41127; Little Basin, Instrument No. 37897; Wolftone, Instrument No. 37896; Man O'War, Instrument No. 57491; Tolan,) Instrument No. 87480; MAUDE S., Instrument No. 90211; Simpson, a/k/a Simson, Instrument No. 90212 and Ethel, Instrument No. 41537.

JUDITH McCAULEY and PATRICK H. McCAULEY, Husband and Wife; KENNETH SMITH and ROBERT SMITH,

Third Party Defendants.

If any of the foregoing Defendants, Cross-Defendants or Third Party Defendants be deceased, the unknown heirs and/or devisees of such of the foregoing as may be deceased. JA93 A

It appears from the files and records herein as follows:

- 1. That on March 10, 1969, Leonard W. Smith defendant filed herein his Answer and Cross-Complaint, Counter Claim and Third Party Complaint.
- 2. That all of said pleadings were served upon Amy Smith Gather, William A. Gaither and Frank Gaither and their known and unknown heirs, devisees, husbands and wives of all other named parties and upon all known and unknown owners and claimants asserting any claim to the real property designated as Parcel 1,

Parcel 2, and Parcel 3 as further described herein, all situated in Shoshone County, Idaho.

- 3. That with the exception of Erla Smith, Mascot SilverLead Mines, Inc., Judith McCauley, Patrick H. McCauley, Kenneth
 Smith and Robert Smith no appearance was made by said persons or
 any of them in the time allowed by law or at all and their defaults
 were duly entered in the premises on August 14, 1969, by the
 Clerk of this Court.
- 4. That in said pleadings Leonard W. Smith sought judgment against said defaulted parties and each and every one of them as follows:
 - (a) by reason of a warranty deed dated May 1, 1947, whereby Amy Smith Gaither conveyed her entire interest in Parcel 1 (and other property) to Leonard W. Smith for a consideration of \$3500.00.
 - (b) by having a certain quitclaim deed given by Leonard W. Smith to Amy Smith Gaither on December 31, 1951, which purported to quitclaim all of the grantor's interest in said Parcels 1, 2 and 3 cancelled and held for naught (1) for the reason that no consideration was given for said deed, (2) for the further reason that it was the intention and purpose of the parties to said transaction that only bare legal title should be conveyed to Amy Smith Gaither and that equitable title should remain in Leonard W. Smith unless he should not survive his expected war time duty, in which event equitable title would vest in Leonard A. Smith, the infant son of Leonard W. Smith and (3) for the further reason that Leonard W. Smith survived Amy Smith Gaither.
 - (c) by reason of the fact that beginning on August 9, 1968, Leonard W. Smith caused Notice of Forfeiture of the unpatented mining claims described in Parcel 3 herein published and served as required by law on said Amy Smith Gaither, said William A. Gaither, and said Frank Gaither and their respective heirs and administrators, none of whom made any response to said notice nor paid nor tendered payment of their proportionate share of the expenditures made by Leonard W. Smith as more particularly stated in said Notice of Forfeiture.
 - (d) by reason of the fact that on September 30, 1960, Leonard W. Smith redeemed Parcel 1 described herein from Shoshone County, Idaho, by paying the taxes, penalties and interest thereon for the years 1956, 1957, 1958 and one-half of 1959 and received a redemption deed therefore which vested equitable title in him against said defaulting defendants.

(e) by reason of the fact that Leonard W. Emith held adverse possession of said Parcels 1, 2 and 3 against said defendants and all of them for the time required by law to acquire title thereto against said defaulting defendants.

The Court thereupon received proof of the allegations of said Counter Claim and being fully informed in the premises does hereby make and enter the following

FINDINGS OF PACT:

1. That Leonard W. Smith is the brother of Amy Smith Gaither and both are the natural children of George A. Smith and Jennie E. Smith, from whom they originally acquired their interest in the property, subject to this action, by inheritance.

That by warranty deed dated May 1, 1947, Amy Gaither Smith conveyed her entire right, title and interest in and to Parcel 1 and solventy to Leonard W. Smith for a consideration of \$3500.00 in band paid.

- 2. That Leonard A. Smith is the only child of Leonard W. Smith and on December 31, 1951, was an infant, four and one-half years of age.
- 3. That on December 31, 1951, Leonard W. Smith was planning to return to active duty with the United States Air Force as a pilot in Korea.
- 4. That on December 31, 1951, in contemplation of such active military duty Leonard W. Smith quitclaimed his interest in Parcels 1, 2 and 3 as herein described to Amy Smith Gaither.
 - 5. That no consideration was paid for said conveyance.
- 6. That it was the intention and purpose of the parties to said transaction that only bare legal title should be conveyed to Amy Smith Gaither and that equitable title should remain in Leonard W. Smith unless he should not survive his expected war time duty, in which event equitable title would vest in Leonard A. Smith.
- 7. That Leonard W. Smith survived Amy Smith Gaither who died in January, 1958, and equitable title has remained at all times in Leonard W. imith.

- 8. That William A. Gaither and Frank Gaither, also known as Francis Gaither, are the only children and sole heirs at law of Amy Smith Gaither.
- 9. That beginning on August 9, 1968, Leonard W. Smith caused the following Notice of Forfeiture to be published as required by law:

"NOTICE OF FORFEITURE

TO: Amy Louise Smith a/k/a A. S. Gaither, W. A. Gaither and Frank T. Gaither and to their respective heirs, administrators, and to all whom it may concern: You and each of you are hereby notified that during the years of 1935 to August 1, 1968, L. W. Smith a/k/a L. Wilbur Smith as Grantee by mesne conveyances from his natural father and original locator, George A. Smith, and as Co-owner in the following lode mining claims: Ethel, located July 8, 1916, Instrument No. 41517, recorded in Book 16, Quartz Loc., P. 325, Wolftone, located June 26, 1915, Instrument No. 37896, recorded in Book 14, Quartz Loc., P. 301 and amended April 24, 1916 as Instrument No. 40953 and recorded in Book 15, Quartz Loc., P. 11; Jennie E, located March 10, 1900 and recorded in Book T, Quartz Loc., P. 330, amended April 23, 1916 as Instrument No. 40954, recorded in Book 15, Quartz Loc., P. 12; Little Basin, located June 26, 1915, Instrument No. 37897, recorded in Book 14, Quartz Loc., P. 300, amended April 24, 1916 as Instrument No. 41125, recorded in Book 15, Quartz Loc., P. 38; Rocky Point, located April 14, 1916, Instrument No. 41127, recorded in Book 16, Quart Loc., P. 227, Reno, located April 22, 1916, Instrument No. 41128, recorded in Book 16, Quartz Loc., P. 228; Simson a/k/a Simpson, located July 2, 1931, Instrument No. 90212, recorded in Book 22, Quartz Loc., P. 615; Maude S, located July 1, 1931, Instrument No. 90211, recorded in Book 22, Quartz Loc., P. 614; Tolan, located July 10, 1930, Instrument No. 87480, recorded in Book 22, Quartz Loc., P. 400; Man O'War, located July 1, 1921, Instrument No. 57491, recorded in Book 19, Quartz Loc., P. 56 and amended as Instrument No. 83075, recorded in Book 19, Quartz Loc., P. 574; Cougar located July 31, 1896, recorded in Book O, Quartz Loc., P. 602, amended August 7, 1900 and recorded in Book P, Quartz Loc., P. 555, amended April 24, 1916 as Instrument No. 40959 and recorded in Book 15, Quartz Loc., P. 17; Cougar Fraction, located May 14, 1900 and recorded in Book T, Quartz Loc., P. 331, amended April 23, 1916 as Instrument No. 41124, recorded in Book 15, Quartz Loc., P. 37; Protection, located September 8, 1900, recorded in Book V, Quartz Loc., P. 370, amended April 24, 1916 as Instrument No. 40958, recorded in Book 15, Quartz Loc., P. 16; Don No. 2, located April 14, 1907, Instrument No. 11086, recorded in Book 6,

Quartz Loc., P. 180, did as such Co-owner expend and supply \$36,500.00 in labor and improvements on the said lode mining claims situated in Yreka Mining District, County of Shoshone, State of Idaho, all recorded in the office of the County Clerk, County Recorder and Ex Officio Clerk of the District Court at Wallace, Shoshone County, State of Idaho, which records are on file in the office of said County Recorder and by this reference the same are incorporated herein and made a part hereof. The said amount hereinabove set forth being the amount required to hold and maintain said claims and improve the same as required by law for a period of thirty-two years and for the period ending on the 31st day of August, 1968, covering the assessment requirements for the fiscal year terminating August 31, 1968, and for prior years, and if, within ninety days from the personal service of this Notice or within ninety days after the publication thereof, you fail or refuse to contribute your proportion of such expenditure as Co-owners which amounts to \$22,812.50, your interest in said claims will become the property of the subscriber, your Co-owner, who has made the required expenditures as required by law. Because of your abandonment of your interest in said claims, the subscriber has maintained the same to protect his interest and asserts ownership thereof by reason of adverse possession; therefore, you are not required by law to respond to this Notice.

/s/ L. Wilbur Smith

That neither said Amy Louise Smith, said William A.

Gaither, said Frank T. Gaither, nor their respective heirs,
administrators nor any other concerned person made any response
to said notice nor paid nor tendered payment of the said
\$22,812.50, nor in any sum whatsoever; nor in any way protested
said notice and did thereby complete the abandonment of their
interest and title in and to said unpatented lode mining claims
to Leonard W. Smith.

10. That on September 30, 1960, Leonard W. Smith paid the delinquent taxes, penalties and interest due on the following described property for the wars 1956, 1957, 1958 and one-half of 1959 in the total sum of 89.29 and thereupon received a

redemption deed from the County Treasurer and Ex-Officio Tax Collector for Shoshone County, State of Idaho, to-wit:

Kellogg-Sinclair's Add. 1/2 Int. W. 4'3 1/2" of Lot 11, 1/2 interest in Lot 12, Block 2, being Parcel 1 herein.

That at the time of paying said taxes and redeeming said property Leonard W. Smith was a party in interest in said property within the meaning of Idaho Code, Section 63-1124, and he thereby acquired equitable title therein as against said Amy Emith Gaither, her heirs, successors and assigns.

11. That Leonard W. Smith maintained open and hostile possession of said Parcels No. 1, 2 and 3 adverse to Amy Smith Gaither, William A. Gaither and Frank Gaither for more than the statutory period.

From the foregoing Findings of Fact, the Court makes the following

CONCLUSIONS OF LAW:

- 1. That said quitolaim deed of December 31, 1951, conveyed only legal title to Amy Smith Gaither and equitable title to the property described therein remained at all times in Leonard W. Smith and he is entitled to have title to the property described in said Parcels 1, 2 and 3 described in the caption of this action quieted in him as to any interest conveyed by said Deed of December 31, 1951, against said Amy Smith Gaither and William A. Gaither and said Frank Gaither, and against all other defendants named in said Counter Claim and all their known and unknown heirs, devisees, husbands and wives of said persons except Erla Smith, Judith McCauley, Patrick N. McCauley, Kenneth Smith and Robert Smith and Mascot Mining Company.
- 2. That by reason of said Notice of Forfeiture and the proceedings had pursuant thereto, Leonard W. Smith is entitled.

to have title to the following described unpatented mining claims which are a part of said Parcel 3 quieted in him against any and all interest of said Amy Smith Gaither, said William A. Gaither, said Frank Gaither and their respective heirs and administrators, to-wit:

Ethel, located July 8, 1916, Instrument No. 41537 recorded in Book 16, Quartz Loc., P. 325, Wolftone, located June 26, 1915, Instrument No. 37896, recorded in Book 14, Quartz Loc., P. 301 and amended 7 ril 24, 1916 as Instrument No. 40953 and recorded in Book 15, Quartz Loc., P. 11; Jennie E. located March 10, 1900 and recorded in Book T, Quartz Loc., P. 330, amended April 23, 1916 as Instrument No. 40954, recorded in Book 15, Quartz Loc., P. 12; Little Basin, located June 26, 1915, Instrument No. 37897, recorded in Book 14, Quartz Loc., P. 300, amended April 24, 1916 as Instrument No. 41125, recorded in Book 15, Quartz Loc., P. 38; Rocky Point, located April 14, 1916, Instruments No. 41127, recorded in Book 16, Quartz Loc., P. 227; Reno, located April 22, 1916, Instrument No. 41128; recorded in Book 16, Quartz Loc., P. 228; Simson a/k/a Simpson, located July 2, 1931, Instrument No. 90212, recorded in Book 22, Quartz Loc., P. 615; Maude 5, located July 1, 1931, Instrument No. 90211, recorded in Book 22, Quartz Loc., P. 614; Tolan, located July 10, 1930, Instrument No. 87480, recorded in Book 22, Quartz Loc., P. 400; Man O'War, located July 1, 1921; Instrument No. 57491, recorded in Book 19, Quartz Loc., P. 56 and amended as Instrument No. 83075, recorded in Book 19, Quartz Loc., P. 574; Cougar located July 31, 1896, recorded in Book O, Quartz Loc., P. 602; amended August 7, 1900 and recorded in Book P, Quartz Loc., P. 555, amended April 24, 1916 as Instrument No 40959 and recorded in Book 15, Quartz Loc., P. 17 Cougar Fraction, located May 14, 1900 and recorded in Book T, Quartz Loc., P. 331, amended April 23, 1916 as Instrument No. 41124, recorded in Book 15, Quartz Loc., P. 37; Protection, located September 8, 1900, recorded in Book V, Quartz Loc., P. 370, amended April 24, 1916 as Instrument No. 40958, recorded in Book 15, Quartz Loc., P. 16; Don No. 2, located April 14, 1907. Instrument No. 11086, recorded in Book 15 14, 1907, Instrument No. 11086, recorded in Book 6, Quartz Loc., P. 180, all recorded in the office of the County Clerk, County Recorder and Ex Officio Clerk of the District Court at Wallace, Shoshone County, State of Idaho.

3. That by reason of said warranty deed of May 1, 1947, and said redemption deed of September 30, 1960, Leonard W. Smith became the owner of all interests in said Parcel 1 standing in the name of Amy Smith Gaither.

4. That by reason of adverse possession Leonard W. Smith is entitled to have title to said Parcels No. 1, 2 and 3 quieted in him adverse to Amy Smith Gaither, William A. Gaither and Frank Gaither, their heirs and assigns.

NOW THEREFORE, by virtue of the premises and in accordance with the foregoing Findings of Pact and Conclusions of Law,

IT IS HEREBY ORDERED, ADJUDGED AND DECREED, and the Court does hereby ORDER, ADJUDGE AND DECREE:

l. That defendants Amy Smith Gaither, also known as Amy Louise Smith, and William A. Gaither and Frank Gaither, also known as Francis Gaither, and all other defendants named in said Answer, Cross-Complaint, Counterclaim and Third Party Complaint filed by Leonard W. Smith (except Erla Smith, Judith McCauley, Patrick H. McCauley, Kenneth Smith and Robert Smith and Mascot Mining Company) and all their known and unknown heirs, devisees, husbands and wives have no interest or estate whatever in the following described real property and any interest said persons or any of them may have had therein is quieted and vested in Leonard W. Smith as his sole and separate proeprty, to-wit:

PARCEL 1: An undivided one-half (1/2) interest in the following: The West 4 feet, 3 1/2 inches of Lot 11 and all of Lot 12; Block 2, SINCLAIRS ADDITION to the CITY OF KELLOGG, Shoshone County, State of Idaho, according to the official and recorded plat thereof,

PARCEL 2: The South 35 feet of that triangular piece of ground lying Westerly and across Fifth St. let from Block 36 of Kellogg Townsite in the Village of Kellogg, Shoshone County, State of Idaho, according to the official plat of said Townsite on file and of record in the office of the County Recorder of said County at Wallace, Idaho, said piece or parcel of ground being more particularly described as follows: All of Lot 24 of said triangular piece of ground, and the South 10 feet of Lot 23 of said triangular piece of ground. Beginning at the SE corner of said Lot 24, which said Lot 24 is bounded on the South by Portland Street and on the East by Fifth Street, thence North in a line

parallel with Fifth Street for a distance of 35 feet thence Westerly to County Road, thence on line parallel with County Road to Portland Street; thence on line parallel to Portland Street to place of beginning;

PARCEL 3: The following described patented lode mining claims situate in the Yreka Mining District, Shoshone County, State of Idaho: Cougar, Instrument No. 40959) Cougar Fraction, Instrument No. 41124; Protection, Instrument No. 40958; Don No. 2, Instrument No. 11086; Mining Survey No. 2993A, and Little Pittsburg Millsite and the following described unpatented lode mining claims situate in the Yreka Mining District, Shoshone County State of Idaho: Jennie B., Instrument No. 40954; Reno, Instrument No. 41128; Rocky Point, Instrument No. 41127; Little Basin, Instrument No. 37897; Wolftone, Instrument No. 37896; Man O'War, Instrument No. 57491; Tolan, Instrument No. 87480; MAUDE S., Instrument No. 90211; Simpson, a/k/a Simson, Instrument No. 90212 and Ethel Instrument No. 41537.

And that said defendants and each of them and all persons claiming by, through or under them be, and they are hereby forever enjoined and debarred from asserting any claim whatsoever in or to said real property or any portion thereof or from attempting to locate or relocate that portion of the public domain covered by said unpatented lode mining claims.

day of January, 1974.

249882

FILED

at the request

Piatt Hull

in

<u> Miscellaneous</u>

Return to:

Piatt Hull

Attorney at Law

Wallage, Idaho 83873

Fee 8 11.00

JUDGMENT - 11

STATE OF IDAYO

COUNTY OF SHOSHONP I do hereby certify t

Judgement Against Am on like to my difficultantia B. Smith, and Other Non-Appear hard at Wallace, Idaho, this Istill day of Jan 1974

> VICTORIA WHICE Clerk of the D First Judge

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CERTIFICATE OF AMENDMENT OF ARTICLES OF INCORPORATION

I, ARNOLD WILLIAMS, Secretary of State of the State of Idaho, and legal custodian of the corporation records of the State of Idaho, do hereby certify that the

MASCOT MINES, INC.

a corporation organized and existing under and by virtue of the laws of the State of Idaho, filed in this office on the last of October 1960, original articles of amendment, as provided by Section 30-146, 30-147 and 30-151, Idaho Coda, Agreement of Herger by and between FIRE CREEK LEAD-ZINC MINING COMPANY and MASCOT MINES, INC., with the latter the surviving corporation.

and that the said articles of amendment contain the statement of facts required by law, and are recorded on Film No.

112
of Record of Domestic Corporations of the State of Idaho.

I THEREFORE FURTHER CERTIFY, That the Articles of Incorporation have been amended accordingly.

IN TESTIMONY WHEREOF, I have hereunto set my hand and affixed the Great Seal of the State. Done at Boise City, the Capital of Idaho, this day of October,

A. D., 1900.

Secretary of State